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10/758,235	01/15/2004	Ian Oliver	P3190US00	5303
36671 7590 12/11/2009 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER KANG, PAUL H				
ART UNIT 2444		PAPER NUMBER		
NOTIFICATION DATE 12/11/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary

Application No.

10/758,235

Applicant(s)

OLIVER ET AL.

Examiner

Paul H. Kang

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 16 is rejected under 35 U.S.C. 101 as failing to fall within a statutory category of invention. As amended, claim 16 recites "a computer-usable medium" comprising stored instructions which are "executable by a network terminal," but not necessarily executed.

Therefore, the computer-usable medium as claimed is directed to a software program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program, nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Therefore, it is non-statutory under 35 U.S.C. § 101.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 13-19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herle, US Pat. No. 6,955,298 B2 in view of Kapoor et al., US Patent No. 7,454,459 B1.

5. As to claim 1, Herle teaches a method comprising:

receiving a Web Service request from the network terminal by the network access point (Herle, col. 7, line 62 – col. 8, line 28). Herle further teaches a markup language translation scrip program wherein retrieved web page data is converted based on the capabilities of the mobile device.

However, Herle does not explicitly teach optionally translating the Web Service request from a second format into a first format and receiving a Web Service response in the first format; and optionally translating the Web Service response into the second format, wherein the first format comprises extensible markup language formatted encapsulations of the Web Service request and response, and the second format comprise reduced-size encapsulations of the Web Service request and response.

In the same field of endeavor, Kapoor teaches a system and method for optionally translating the Web Service request from a second format into a first format and receiving a Web Service response in the first format; and optionally translating the Web Service response into the second format, wherein the first format comprises extensible markup language formatted encapsulations of the Web Service request and response, and the second format comprise reduced-size encapsulations of the Web Service request and response (Kapoor, col. 10, line 54 – col. 11, line 3; see also col. 18, Lines 33-67 and col. 20, line 60 – col. 21, line 43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have applied the known technique of translating web service requests and responses as taught by Kapoor into the Web Service system of Herle for the predictable result of reducing amount of data transferred to a thin client and for the predictable result of integrating thin client protocols to the conventional internet protocol.

6. As to claim 2, Herle-Kapoor teaches the method wherein translation of the Web Service request is performed in response to receiving a translation indication from the network terminal (Herle, col. 7, line 62 – col. 8, line 28 and col. 6, line 56 - col. 7, line 4).

7. As to claim 3, Herle-Kapoor teaches a method wherein the translation indication is received with the Web Service request (Herle, col. 6, line 56 - col. 7, line 23).

8. As to claim 4, Herle-Kapoor teaches a method wherein the translation indication is received through a capabilities information exchange with the network terminal (Herle, col. 6, line 56 - col. 7, line 23).

9. As to claim 5, Herle-Kapoor teaches a method wherein translation of the Web Service response is performed in response to receiving the translation indication from the network terminal (Herle, col. 6, line 56 - col. 7, line 23).

10. As to claim 6, Herle teaches a system, comprising:

a network terminal adapted to request in a translated format and adapted to receive a response to the request in the translated format; a network access point coupled to receive the request; and

a service provider coupled to receive the request from the network access point and adapted to provide the response to the request in the conventional format, wherein the network access point is further adapted to convert the response into the translated format prior to forwarding the response to the network terminal (Herle, col. 7, line 62 – col. 8, line 28 and col. 6, line 56 - col. 7, line 23).

However, Herle does not explicitly teach wherein a network access point coupled to receive the request and adapted to convert the Web service request into a conventional format wherein the conventional format comprises extensible markup language formatted encapsulations of the Web Service request and response, and wherein the translated format comprise reduced-size encapsulations of the Web Service request and response.

In the same field of endeavor, Kapoor teaches wherein a network access point coupled to receive the request and adapted to convert the Web service request into a conventional format wherein the conventional format comprises extensible markup language formatted encapsulations of the Web Service request and response, and wherein the translated format comprise reduced-size encapsulations of the Web Service request and response (Kapoor, col. 10, line 54 – col. 11, line 3; see also col. 18, Lines 33-67 and col. 20, line 60 – col. 21, line 43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the known technique of translating web request and response as taught by Kapoor into the system Web Service system of Herle for the predictable

result of reducing amount of data transferred to a thin client and for the predictable result of integrating thin client protocols to the conventional internet protocol.

11. As to claims 7 and 8, Herle-Kapoor teaches the Web Service consumption system wherein the network terminal is further adapted to command the network access point to convert the request into the conventional format and is adapted to command the network access point to convert the response into the translated format (Herle, col. 3, line 61 – col. 4, line 7; col. 7, line 62 – col. 8, line 28 and col. 6, line 56 - col. 7, line 23).

12. As to claim 9, Herle-Kapoor teaches the Web Service consumption system wherein the translated format comprises a wireless messaging format (Herle, col. 1, lines 24-36; col. 7, line 62 – col. 8, line 28 and col. 6, line 56 - col. 7, line 23).

13. As to claim 13, Herle teaches an apparatus comprising:
a memory capable of storing a messaging module (Herle, col. 4, line 25-42);
a processor coupled to the memory and configured by the messaging module to enable a message exchange with the network access point that is capable of translating web service exchanges between a mobile terminal and a Web service provider.

However, Herle does not explicitly teach the method wherein the messaging module is adapted to instruct the network access point to convert a reduced-size encapsulation of the remote procedure call of the messages received from the mobile terminal to a conventional format compatible with the Web service provider, wherein the conventional format comprises an

extensible markup language encapsulation of the remote procedure call (Kapoor, col. 10, line 54 – col. 11, line 3 and col. 9, lines 2-11; see also col. 18, Lines 33-67 and col. 20, line 60 – col. 21, line 43).

In the same field of endeavor, Kapoor teaches the method wherein the messaging module is adapted to instruct the network access point to convert a reduced-size encapsulation of the remote procedure call of the messages received from the mobile terminal to a conventional format compatible with the Web service provider, wherein the conventional format comprises an extensible markup language encapsulation of the remote procedure call (Kapoor, col. 10, line 54 – col. 11, line 3 and col. 9, lines 2-11; see also col. 18, Lines 33-67 and col. 20, line 60 – col. 21, line 43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the known technique of translating web request and response as taught by Kapoor into the system Web Service system of Herle for the predictable result of reducing amount of data transferred to a thin client and for the predictable result of integrating thin client protocols to the conventional internet protocol.

14. As to claim 14, Herle-Kapoor teaches the mobile terminal wherein the messaging module provides the conversion instruction to the network access point within a service request (Herle, col. 6, line 56 - col. 7, line 23).

15. As to claim 15, Herle-Kapoor teaches the mobile terminal wherein the messaging module provides the conversion instruction to the network access point during a capabilities exchange with the network access point (Herle, col. 6, line 56 - col. 7, line 23).

16. As to claim 16, Herle teaches a computer-readable storage medium comprising:
stored instructions which are executable by a network terminal for consuming Web Services (Herle, col. 7, line 62 – col. 8, line 28) by:

transmitting a Web Service request in a first format to a network access point (Herle, col. 7, line 62 – col. 8, line 28);

However, Herle does not explicitly teach signaling the network access point to convert the Web Service request from the first format to a second format; and receiving a response to the Web Service request from the network access point, wherein the response received is also in the first format.

Kapoor teaches signaling the network access point to convert a reduced-sized encapsulation of a remote procedure call of the Web Service request from the first format to a second format, wherein the second format comprises an extensible markup language encapsulation of the remote procedure call; and receiving a response to the Web Service request from the network access point, wherein the response received is also in the first format (Kapoor, col. 10, line 54 – col. 11, line 3 and col. 9, lines 2-11; see also col. 18, Lines 33-67 and col. 20, line 60 – col. 21, line 43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the known technique of translating web request and

response as taught by Kapoor into the system Web Service system of Herle for the predictable result of reducing amount of data transferred to a thin client and for the predictable result of integrating thin client protocols to the conventional internet protocol.

17. As to claims 17 and 18, Herle teaches a network access point within a network used to facilitate a Web Service exchange between a service requestor and a service provider and a computer-readable medium having instructions stored thereon which are executable by a network access point for facilitating Web Service consumption by performing steps comprising: receiving a service request in a first format from the service requestor (Herle, col. 7, line 62 – col. 8, line 28).

However, Herle does not explicitly teach translating the service request from the first format into a second format in response to signaling received from the service requestor; receiving a service response in the second format from the service provider; and translating the service response from the second format to the first format in response to signaling received from the service requestor.

In the same field of endeavor, Kapoor teaches translating the service request from the first format into a second format in response to signaling received from the service requestor; receiving a service response in the second format from the service provider; wherein one of the first and second formats comprises extensible markup language formatted encapsulations of the Web Service request and response, and the other of the first and second formats comprise reduced-size encapsulations of the Web service request and response (Kapoor, col. 10, line 54 – col. 11, line 3; see also col. 18, Lines 33-67 and col. 20, line 60 – col. 21, line 43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the known technique of translating web request and response as taught by Kapoor into the system Web Service system of Herle for the predictable result of reducing amount of data transferred to a thin client and for the predictable result of integrating thin client protocols to the conventional internet protocol.

18. As to claim 20, Herle-Kapoor teaches the method wherein translating the Web Service request into a first format comprises translating the Web service request from a compressed format to an uncompressed format, and wherein translating the Web Service response into the second format comprises translating the Web Service response from the uncompressed format to the compressed format (WML and WSP/WTP is a wireless protocol for light weight communications suited to mobile devices, whereas HTTP is the conventional protocol having a larger overhead).

19. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herle-Kapoor in view of Dumont et al., US Pat. Application Publication No. US 2005/0064884 A1.

20. As to claims 10 and 11, Herle teaches the invention substantially as claimed. However, Herle does not explicitly teach the Web Service consumption system wherein the wireless messaging format comprises Multimedia Messaging System (MMS) format, the Web Service consumption system wherein the conventional format comprises Simple Object Access Protocol (SOAP), and the Web Service consumption system wherein the conventional format further

comprises eXtensible Markup Language (XML).

In the same field of endeavor, Dumont teaches a system and method wherein the wireless messaging format comprises Multimedia Messaging System (MMS) format, the Web Service consumption system wherein the conventional format comprises Simple Object Access Protocol (SOAP), and the Web Service consumption system wherein the conventional format further comprises eXtensible Markup Language (XML) (Dumont, ¶¶ 0017, 0038).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have applied the known technique of interfacing MMS systems with SOAP/XML to the format conversion system of Herle for the predictable result of enabling mobile device access to SOAP and XML services.

Response to Arguments

21. Applicant's arguments with respect to claims 1-18 and 20 have been considered but are moot in view of the new grounds of rejection. The applicant argued in substance that the prior art of record fails to teach or suggest a system and method for optionally translating the Web Service request from a second format into a first format and receiving a Web Service response in the first format; and optionally translating the Web Service response into the second format, wherein the first format comprises extensible markup language formatted encapsulations of the Web Service request and response, and the second format comprise reduced-size encapsulations of the Web Service request and response. The new grounds of rejection teaches this feature.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner
Art Unit 2444